

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Hester Howell, Jr.,

Case No. 4:14 CV 44

Petitioner,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Warden Richland Correctional Institution,

Respondent.

This Court has reviewed the Report and Recommendation (“R&R”) of the Magistrate Judge filed September 18, 2015 (Doc. 11). The R&R recommends this Court dismiss the Petition.

Under 28 U.S.C. § 636(b)(1), a party must serve written objections to the Magistrate Judge’s proposed findings and recommendations within fourteen (14) days of being served with the R&R, at which time this Court makes a *de novo* determination of those portions of the R&R to which objections were made. Failure to file objections within the time frame set forth in the statute constitutes a waiver of *de novo* review by the district court. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). “A general objection to the entirety of the magistrate’s report has the same effects as would a failure to object.” *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991).

In his objections to the R&R, Petitioner states only that he “objects to [the] magistrate[’]s decision” (Doc. 12 at 1). By failing to develop his objections beyond a general disagreement with the Magistrate’s recommendation, Petitioner has effectively waived *de novo* review by this Court. The R&R accurately states the facts and law, which this Court adopts in its entirety.

Accordingly, the Petition is denied and the case is dismissed with prejudice. Further, this Court certifies an appeal from this decision could not be taken in good faith and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

October 14, 2015